

REMARKS

The Official Action mailed April 1, 2009, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to August 1, 2009. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on July 14, 2006 and June 2, 2008.

Claims 1-15 were pending in the present application. Claims 4, 11 and 14 have been canceled and claims 1-3, 5, 8-10, 12 and 15 have been amended to better recite the features of the present invention. Accordingly, claims 1-3, 5-10, 12, 13 and 15 are now pending in the present application, of which claims 1, 2, 8, 9 and 15 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1, 3, 6-8, 10 and 13-15 as obvious based on the combination of U.S. Publication No. 2004/0119955 to Tanaka, U.S. Patent No. 6,393,042 to Tanaka and U.S. Patent No. 6,524,977 to Yamazaki.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the

art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims 1, 8 and 15, as amended. The Independent claims have been amended to recite that the first laser oscillator and the second laser oscillator are pulsed lasers having a repetition rate of 10 MHz or more, that the first laser beam is a harmonic and the second laser beam is a fundamental wave, and that a laser spot of the second laser beam covers the whole beam spot of the first laser beam on the irradiation surface. It is respectfully submitted that Tanaka '955, Tanaka '042, and Yamazaki et al., taken alone or in combination, fail to disclose or suggest the features of independent claims 1, 8 and 15 as amended and reconsideration of the outstanding rejection is requested for at least this reason.

Paragraph 3 of the Official Action rejects claims 2 and 9 as obvious based on the combination of Tanaka '955, Tanaka '042, Yamazaki, U.S. Patent No. 6,791,060 to Dunskey and U.S. Patent No. 5,864,430 to Dickey. Independent claims 2 and 9 have been amended as noted above to recite that the first laser oscillator and the second laser oscillator are pulsed lasers having a repetition rate of 10 MHz or more, that the first laser beam is a harmonic and the second laser beam is a fundamental wave, and that a laser spot of the second laser beam covers the whole beam spot of the first laser beam on the irradiation surface. It is respectfully submitted that Dunskey and Dickey do not overcome the deficiencies noted above with respect to Tanaka '955, Tanaka '042, and Yamazaki et al. and claims 2 and 9 are allowable for the same reasons as noted above in light of the present amendments.

Paragraph 4 of the Official Action rejects dependent claims 4, 5, 11 and 12 as obvious based on the combination of Tanaka '955, Tanaka '042, Yamazaki, U.S. Publication 2006/0019474 to Inui and U.S. Patent No. 6,800,541 to Okumura. Claims 4 and 11 have been canceled and thus the rejection of these claims is moot. With respect

to dependent claims 5 and 12, Inui and Okumura do not overcome the deficiencies noted above with respect to independent claims 1, 2, 8 and 9 and these claims are believed to be allowable for the same reasons as noted above. Reconsideration is requested.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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